

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

TEXAS; and KEN PAXTON, in his official capacity as Texas Attorney General,

*Plaintiffs,*

v.

TRAVIS COUNTY, TEXAS; SALLY HERNANDEZ, in her official capacity as Sheriff of Travis County; CITY OF AUSTIN, TEXAS; ORA HOUSTON, DELIA GARZA, SABINO RENTERIA, GREGORIO CASAR, ANN KITCHEN, JIMMY FLANNIGAN, LESLIE POOL, ELLEN TROXCLAIR, KATHIE TOVO, and ALISON ALTER, all in their official capacities as City Council Members of the City of Austin; STEVE ADLER, in his official capacity as Mayor of the City of Austin; ELAINE HART, in her official capacity as Interim City Manager of the City of Austin; EL PASO COUNTY, TEXAS; RICHARD WILES, in his official capacity as Sheriff of El Paso County; CITY OF EL CENIZO, TEXAS; RAUL L. REYES, in his official capacity as Mayor of the City El Cenizo; TOM SCHMERBER, in his official capacity as Sheriff of Maverick County; MARIO A. HERNANDEZ, in his official capacity as Constable Pct. 3-1 of Maverick County; the TEXAS ORGANIZING PROJECT EDUCATION FUND; the MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATION FUND; and the LEAGUE OF UNITED LATIN AMERICAN CITIZENS,

*Defendants.*

Civ. Action No. 1:17-cv-425-SS

**PLAINTIFFS' MOTION TO  
CONSOLIDATE AND REQUEST  
FOR EXPEDITED RULING**

Texas, by and through its Attorney General, and pursuant to Federal Rule of Civil Procedure 42, moves this Court to consolidate this case with three recently consolidated cases pending in this Court's San Antonio Division, *City of El Cenizo, Texas, et al. v. State of Texas et al.*, No. 5:17-cv-404-OLG (W.D. Tex., San Antonio Division); *El Paso County et al. v. The State of Texas et al.*, No. 5:17-cv-00459-OLG (W.D. Tex., San Antonio Division); and *City of San Antonio, Texas et al. v. The State of Texas, et al.*, No. 5:17-cv-00489-OLG (W.D. Tex., San Antonio Division). In support of this Motion, Texas relies on the following contemporaneously filed documents:

1. Memorandum of Law in Support of Texas's Motion to Consolidate and Request for Expedited Ruling;
2. Texas's Motion and Memorandum of Law in Support of Motion to Dismiss or Transfer the Consolidated Cases filed in No. 5:17-cv-404-OLG (the lead case), attached hereto as Exhibit 1; and
3. [Proposed] Order Granting Texas's Motion to Consolidate.

For the reasons stated in this Motion and accompanying documents, Texas respectfully requests that the Court grant this motion, and consolidate Case Nos. 5:17-cv-404-OLG, No. 5:17-cv-00459-OLG, and No. 5:17-cv-00489-OLG with this matter in this division.

Respectfully submitted this the 8th day of June, 2017.

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*ATTORNEYS FOR TEXAS*

**CERTIFICATE OF CONFERENCE**

Counsel for Plaintiffs sought conference via email on June 8, 2017 with counsel for Defendants. Counsel for Travis County Defendants, MALDEF, *El Cenizo* defendants, and the City of El Paso et al. responded that they oppose the motion.

*/s/ Darren McCarty*  
DARREN MCCARTY

**CERTIFICATE OF SERVICE**

I, Darren McCarty, hereby certify that on this the 8th day of June, 2017, a true and correct copy of the foregoing document was transmitted using the CM/ECF system, which automatically sends notice and a copy of the filing to all counsel of record.

*/s/ Darren McCarty*  
DARREN MCCARTY